

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SHAFIQUE AHMED, et al.,

Case No. 2:19-CV-1925 JCM (DJA)

Plaintiff(s),

ORDER

V.

RICHLAND HOLDINGS, INC.,

Defendant(s).

Presently before the court is plaintiffs Shafique Ahmed (“Ahmed”) and Myra Munoz’s (“Munoz”) (collectively “plaintiffs”) motion to amend their complaint. (ECF No. 29). Defendant Richland Holdings, Inc. d/b/a Acctcorp of Southern Nevada’s (“Richland”) filed a response, (ECF No. 34), to which plaintiff replied, (ECF No. 36).

Also before the court is plaintiffs' motion for relief from judgment and to reopen the case. (ECF No. 35).

Also before the court is defendant's motion for attorney fees. (ECF No. 27). Plaintiffs responded, (ECF No. 31), to which defendants replied, (ECF No. 33).

On June 17, 2020, this court dismissed the underlying complaint *without prejudice*. (ECF No. 25). Specifically, the complaint failed to state claims under sections 1692e, 1692e(2)(A), and 1692e(10) of the Federal Debt Collection Practices Act (“FDCPA”). (*Id.*). However, this court found possible, but unclear, pleadings under plaintiff’s claim under section 1692f(1). (*Id.*). A judgment was inadvertently entered that same day. (ECF No. 26).

As an initial matter, this court grants plaintiffs' motion for relief from judgment and to reopen the case. (ECF No. 35). The instant situation "justifies relief." Fed. R. Civ. Pro. 60(b). Plaintiffs made their motion within a reasonable time. *See id.*

In accordance with Federal Rule of Civil Procedure 15(a)(2), this court grants plaintiff's motion to amend their complaint. (ECF No. 29). The proposed amended complaint addresses this court's prior concerns. (ECF No. 25). Plaintiffs no longer bring claims under sections 1692e, 1692e(2)(A), and 1692e(10); the amended complaint provides additional facts and argument for its claim under section 1692f(1). (*Id.*).

In light of this determination, this court denies defendant's motion for attorney's fees. (ECF No. 27). Defendant may move again for attorney's fees at a later juncture, if appropriate.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs' motion for relief from judgment and to reopen case (ECF No. 35) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that plaintiffs' motion to amend their complaint (ECF No. 29) be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that defendant's motion for attorney fees (ECF No. 27) be, and the same hereby is, DENIED.

IT IS FURTHER ORDERED that plaintiff shall file the proposed amended complaint, which was presented to this court as an exhibit in the instant motion. (ECF No. 29).

DATED July 27, 2020.

Xenos C. Mahan
UNITED STATES DISTRICT JUDGE